THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P.No. 22384 of 1996

Date:19.01.2007

Between:

P. Gopal.

... Petitioner

and

The Registrar, Sri Venkateswara University, Tirupathi.

... Respondent.

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P.No. 22384 of 1996

O R D E R:

The short question which arises for consideration in this writ petition is whether the petitioner, who was working as a Junior Assistant, was entitled to be appointed as an L.D. Stenographer merely on the ground that he possesses typewriting and shorthand qualifications and earlier Junior Assistants, who possessed requisite qualifications, had been appointed as L.D. Stenographers.

In its counter affidavit, the respondents refer to resolution No. 223 (B3) dated 13.01.1984, passed by the Syndicate of the University, wherein it was resolved that in future recruitment would be made only in the cadre of Junior Assistant and those with Typewriting and Shorthand qualifications would only be paid special allowance as per government orders. It is not the case of the petitioner that, subsequent to the resolution of the Syndicate dated 13.01.1984, any other Junior Assistant was appointed as an L.D. Stenographer.

While Sri V. Jagapathi, learned Counsel for the petitioner, would submit across the bar that there are no service rules in existence in the University prescribing the mode of appointment by transfer to the post of L.D. Stenographer and that the A.P. Ministerial Service Rules are applicable, a perusal of the affidavit filed in support of the writ petition would reveal that no such plea has been taken therein. In the absence of any such plea, in the affidavit filed in support of the writ petition, this contention now urged for the first time at the hearing of the writ petition would not

necessitate examination. Leaned Counsel would submit that this Court had passed an interim order directing the respondent to consider the case of the petitioner and would request that the interim order be made the final order in the writ petition. I am afraid I cannot agree. Unless the petitioner is able to show that he has a right to be considered for appointment by transfer as an L.D. Stenographer, the mere fact that an interim order was passed earlier directing the respondents to consider his case for appointment would not require a similar order being passed as a final order in the writ petition, for it is well settled that an interim order is passed only during the pendency of the writ petition. In the absence of any legal right to be appointed as an L.D. Stenographer, no direction can be given to the respondent University either to consider the petitioner's case for appointment as an L.D. Stenographer or to have his representation considered in accordance with law. The writ petition fails and is accordingly dismissed. No costs.

_____

Date: 19.01.2007 RAMESH RANGANATHAN, J

MRKR